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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,943	03/16/2001	Ralf Oestreicher	60,426-268	7794

7590 09/10/2002

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EXAMINER

PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/10/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N
09/810,943

Applicant(s)
Oestreicher et al.

Examiner
E. Pipala

Group Art Unit
3661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE - 3 - MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on March 16, 2001.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 36-55 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 36-55 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5 sheets
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3661

DETAILED ACTION

This Office Action is in response to the application filed by Oestreicher et al. on March 16, 2001 for the invention titled "Method and System for Determining Weight and Position of a Vehicle Seat Occupant".

Claims 1-35 have been canceled, and new claims 36-55 have been added by the preliminary amendment, and are now pending.

Interference

Claims 36-40 of this application has been copied by the applicant from U. S. Patent No. 6,039,344. This claim is not patentable to the applicant because of the following rejections.

An interference cannot be initiated since a prerequisite for interference under 37 CFR 1.606 is that the claim be patentable to the applicant subject to a judgement in the interference.

However, a notice has been placed in the file wrapper of Patent No. 6, 039,344 at this time indicating that an Interference has been sought concerning the claims contained therein.

Specification

The disclosure is objected to because of the following informalities: it is being brought to Applicant's attention that in Applicant's continuation data found in the preliminary amendment, reference to Ser. No. 08/191,719 should instead be to Ser. No. 09/191,710 .

Appropriate correction is required.

Art Unit: 3661

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37, 38 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 is said to be dependent on claim 1, which has been canceled.

Claim 38 is said to be dependent on claim 2, which has been canceled.

Claim 40 is said to be dependent on claim 4, which has also been canceled.

Applicant simply appears to have forgotten to correct the dependency of these claims after copying them from Pat. No. 6, 039, 344.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3661

Claims 36-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the published Research Disclosure 39916, in view of Gagnon (P.N. 5,810,392).

The research disclosure teaches a weight sensing occupant restraint system utilizing load cell technologies wherein (as shown in figure 1 thereof), four load cells are attached between the seat frame and the seat track at the mounting points such that the load cells respond to the normal loads being exerted on the seat track allowing measurement of the weight of the seat and the seat occupant. The voltages from the four load cells (placed near the four corners of the seat pan) are processed by the weight sensing module to read the total weight of the occupant, determine the center of mass of the occupant, and are then used to switch the airbags (occupant protection device) completely off or otherwise tailor the deployment characteristics, thereof.

The above research disclosure does not particularly teach the use of weight sensor assemblies in the form of a strain gauge.

Gagnon similarly discloses a seat occupant weight sensing system in which load cells are interdisposed between a rigid member and a seat pan such that the weight supported by the seat can be measured, and in which information derived therefrom is subsequently used to control activation and operation of a safety device such as an air bag or seatbelt pretensioner. More particularly, in column 5, lines 51-53 Gagnon further teaches that each sensor may be for example a strain gauge, a load cell, or a variable resistance pressure sensor. It is known that common strain gauges require a deflectable member for holding the gauge itself.

Art Unit: 3661

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the use of strain gauges mounted on deflectable mounting structures as taught by Gagnon, in place of the load cells used by the weight sensing and occupant restraint system of the research disclosure, since each can be used to determine a force or load (weight) exerted by an occupant of the seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is (703) 305-9785. The examiner can normally be reached on Monday through Thursday from 7:30 to 6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Serial Number: 09/810,943

Page 6

Art Unit: 3661


or faxed to: (703) 305-7687, (for formal communications intended for entry)

Hand-delivered responses should be brought to 5 Crystal Park, 2451 Crystal Drive, Arlington.
VA., Seventh Floor (Receptionist).

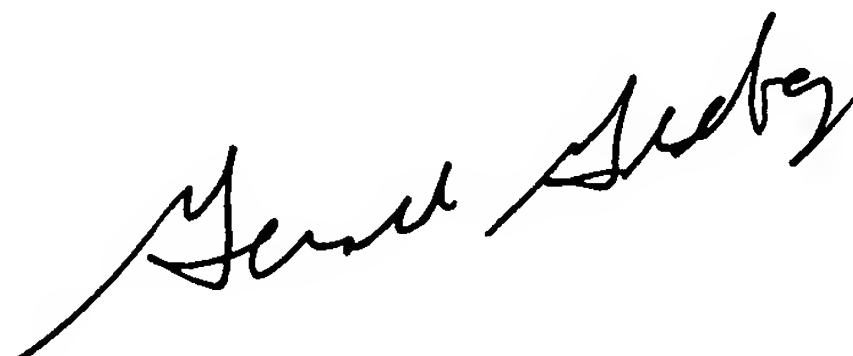


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